IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG) NO.3074 OF 2005

Shree Laxmi Ashish Industrial
Premises Cooperative Society Ltd. ..Petitioner

Versus

Municipal Corporation of Gr.Bombay & Ors..Respondents

Mr.P.J.Thorat for petitioner
Mrs. A.R.Joshi for respondents

CORAM : P.V.KAKADE, J.
DATE : 21ST DECEMBER, 2005

MENTIONED NOT ON BOARD

P.C.:

. Heard the learned counsel for both the parties. The learned counsel for the respondents waive service. Perused the record.

. Rule, rule made returnable forthwith by consent.

1. The following members of the Petitioner Society (i) Excel Car Care, (ii) Sonal Shah, (iii) Rakesh Agarwal, (iv) Shilpen Patel, (v) Anand P. Diwan and (vi) Madhubai B.Kocha respectively are permitted to file reply/additional reply to the impugned Notice No.KW/351/677/BF dated 27.1.2005, No.KW/351/90/BF dated 20.11.2003, No.KW/351/94/BF dated 27.11.203, No.KW/351/93/BF dated 20.11.2003, No.KW/351/92/BF dated 20.11.2003 and No.KW/351/91/BF dated 20.11.2003 respectively passed under Section 351 of the Mumbai Municipal Corporation Act, 1888 in respect of Nos.7-H, 5-C, 5-E, 5-D, 3-F and 3-C respectively, Laxmi Industrial Estate, Andheri (West), Mumbai - 400 058, within a period of two weeks from today.

2. The Petitioner No.3 shall consider the reply/additional reply along with the documentary evidence filed by the members of the Petitioner mentioned in clause No.1 hereinabove by giving a personal hearing to the members of the petitioner and shall pass appropriate order within a period of four

weeks of filing such reply/additional reply.

3. In the event the order passed by the respondent no.3 is adverse to the said members of the petitioner mentioned in Clause No.1 hereinabove, the respondents shall not take any action of demolition and/or removal of any portion of the mezzanine floor of the aforesaid units for a further period of six weeks from the date of communication of the order passed by the Respondent no.3 as per clause no.2 hereinabove, in order to enable the members of the petitioner to issue a prior notice under Section 527 of the Mumbai Municipal Corporation Act, 1888 before filing/instituting a suit before the appropriate Forum.

4. The respondents shall not take any action of demolition and/or removal of any part of the mezzanine floor which is the subject matter of the impugned notice in respect of the aforesaid units till the period as mentioned in clauses 2 and 3 expire.

5. It is clarified that this order should not be construed as permission to make reconstruction.

6. Writ Petition is disposed off accordingly.

7. No order as to costs.